United Nations A/ES-10/PV.10

General Assembly
Tenth Emergency Special Session

Official Records

10th plenary meeting
Friday, 5 February 1999, 10 a.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 10.20 a.m.

The President *(interpretation from Spanish)*: I declare the tenth emergency special session of the General Assembly resumed pursuant to General Assembly resolution ES-10/5 of 17 March 1998, in paragraph 8 of which the Assembly decided

> "to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States".

In this connection, I should like to draw the attention of delegations to the following documents. Document A/ES-10/31 contains a letter dated 25 January 1999 from the Permanent Representative of Jordan to the United Nations, in which he requested, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session. Document A/ES-10/32 contains a letter dated 27 January 1999 from the Permanent Representative of South Africa to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, by which he conveyed the support of the Movement for the request by the members of the League of Arab States to resume the tenth emergency special session.

In accordance with rule 63 of the rules of procedure of the General Assembly, the President and Vice-Presidents of the fifty-third session will serve in the same capacity at the resumed tenth emergency special session.

May I take it that it is the wish of the General Assembly to decide that the Credentials Committee of the fifty-third session should serve for the resumed tenth emergency special session?

It was so decided.

Earthquakes in Colombia

The President (*interpretation from Spanish*): May I, on behalf of all the members of the Assembly, extend our deepest sympathy and solidarity to the Government and the people of Colombia for the tragic loss of life and extensive material damage which have resulted from the recent earthquake.

May I also express the hope that the international community will show its solidarity and respond promptly and generously to all requests for help.

I call on the representative of Colombia.

Mr. Valdivieso (Colombia) (*interpretation from Spanish*): On behalf of my Government, I wish to thank you, Mr. President, for the generous gesture you made in referring to the very tragic times being experienced by a major part of our country.

Eleven hundred people were killed, 4,200 injured and 250,000 left homeless and living in very precarious conditions as a result of the tragic effects of the recent earthquake. The infrastructure has been very hard hit: at

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least a third of the water-supply system was destroyed; a fifth of the electrical grid is down; and, as the world already knows, we need 120 tons of foodstuffs daily to cope with this humanitarian emergency.

My Government would like to take this opportunity to express its gratitude for the generous direct support provided by many Governments during the now-concluded rescue period and at this current stage of humanitarian assistance. I should like to reiterate also that although we will continue our internal efforts, it is with the support and cooperation of the international community that we will be able to overcome this serious crisis.

Scale of assessments for the apportionment of the expenses of the United Nations (A/ES-10/33)

The President (*interpretation from Spanish*): In keeping with the established practice, I should now like to invite the attention of the General Assembly to document A/ES-10/33, which contains a letter addressed to me by the Secretary-General informing the Assembly that 42 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

I should like to remind delegations that, under Article 19 of the Charter,

> "A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years".

May I take it that the General Assembly duly takes note of this information?

It was so decided.

The President (*interpretation from Spanish*): Next, I should like to draw the attention of delegates to a matter concerning the participation of Palestine, in its capacity as observer, in the meetings of the resumed tenth emergency special session of the General Assembly.

Members will recall Assembly resolution 52/250 of 7 July 1998 and its annex, as well as a note by the Secretary-General contained in document A/52/1002 that outlines the Secretary-General's understanding of the implementation of the modalities annexed to the resolution.

I should like to draw your attention in particular to paragraph 6 of the annex to resolution 52/250, which reads as follows:

> "The right to make interventions, with a precursory explanation or the recall of relevant General Assembly resolutions being made only once by the President of the General Assembly at the start of each session of the Assembly".

Accordingly, for the meetings of the resumed tenth emergency special session of the General Assembly, the observer of Palestine will therefore participate in the work of the General Assembly in accordance with General Assembly resolution 3237 (XXIX) of 22 November 1974, resolution 43/177 of 15 December 1988 and resolution 52/250 of 7 July 1998, with no further need for a precursory explanation prior to any intervention by Palestine in any meetings of the resumed tenth emergency special session.

Agenda item 5 (*continued*)

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Draft resolution (A/ES-10/L.5)

The President (*interpretation from Spanish*): I should like to inform members that, in a letter dated 3 February 1999 addressed to me, the Permanent Representative of Canada to the United Nations, in his capacity as Chairman of the Group of Western European and other States for the month of February, requested that the General Assembly hear the observer of Switzerland in the debate at the present and any future meetings of the resumed tenth emergency special session.

Taking into account the importance attached to the issue under discussion, it is proposed that the General Assembly should take a decision on that request.

May I take it that there is no objection to the proposal to hear the observer of Switzerland in the debate at the present and any future meetings of the resumed tenth emergency special session?

It was so decided.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): I thank you, Sir, for presiding over this resumption of the tenth emergency special session of the General Assembly and for all your efforts in that regard.

I wish at the outset to make reference to the grave state of health of His Majesty King Hussein of our sister country the Hashemite Kingdom of Jordan. On behalf of the Palestinian people and the Palestinian leadership, I wish him a speedy recovery and a return to full health. My wish is that all good things may come to our sister country of Jordan.

I join you, Mr. President, in conveying our condolences to the Government and the people of friendly Colombia in connection with the casualties resulting from the destructive earthquake that struck that country.

Once again, the international community finds itself obliged to take action; once again, Member States find themselves obliged to resume the tenth emergency special session in the face of Israel's intransigence and its insistence on continuing its illegal actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, in grave violation of international law, international humanitarian law and relevant United Nations resolutions. This is in addition to Israel's persistent undermining of the Middle East peace process and its violation of existing Israeli-Palestinian agreements. All of this has pushed the entire region into a worrisome and dangerous situation.

It is no less disturbing that the Israeli Government continues thus in direct contempt and defiance of the four resolutions that the General Assembly has adopted by an overwhelming majority at the tenth emergency special session since 24 April 1997, that is since Member States determined to take the exceptional and complex step, for the first time in 15 years, of convening an emergency special session of the General Assembly in accordance with resolution 377 A (V) of 1950, "Uniting for Peace", to confront those illegal Israeli actions and to ensure their cessation after the Security Council failed to fulfil its responsibilities.

The Israeli Government acts in this way in spite of the clear provisions of those resolutions and their high legal and political importance. The Assembly should not allow this. No State should be permitted to reject and challenge the will of the international community. No State should be allowed with impunity to be above the law. Thus, the international community must not retreat; we must insist on continuing our work until Israel complies with the provisions of the resolutions of the tenth emergency special session.

The provisions of the resolutions of this session, first of all, reaffirmed the international community's position on Jerusalem, once again demonstrating that the international community, through the United Nations, has a legitimate interest in the question of the city of Jerusalem. The Assembly also reaffirmed the position that the Israeli settlements are illegal and an obstacle to peace.

Secondly, the Assembly demanded of Israel, the occupying Power, the immediate and complete cessation of construction at Jebel Abu Ghneim and of all other Israeli settlement activities, as well as of all illegal measures and actions in Jerusalem. It demanded that Israel accept the *de jure* applicability of the Fourth Geneva Convention and comply with the relevant Security Council resolutions. It demanded the cessation and reversal of all actions taken illegally against Palestinian Jerusalemites and the provision of information about goods produced or manufactured in the settlements.

Thirdly, the Assembly affirmed full support for the Middle East peace process and called for injecting new momentum into the stalled process; it noted the need for scrupulous implementation of the agreements reached between the parties, and called for the upholding of the principles of the process, including the principle of land for peace.

Fourthly, the Assembly made a recommendation to Member States basically aimed at the Israeli settlements. It recommended the cessation of all forms of assistance and support for illegal Israeli activities in the occupied Palestinian territory, including Jerusalem, in particular settlement activities, and it recommended that Member States should actively discourage activities that directly contribute to any construction or development of those settlements. This was meant to cover activities by individuals and non-governmental parties.

Fifthly, the session recommended that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1. At a later stage, the tenth emergency special session recommended that the Government of Switzerland, in its capacity as the depositary of the Convention, undertake the necessary

steps, including the convening of a meeting of experts, in order to follow up on the recommendation to convene the conference.

Sixthly and lastly, the session adopted a follow-up mechanism through the reports requested at the beginning from the Secretary-General and through the possibility of resuming the session. This is exactly what we are trying to do today — to follow up what we have done in the past with the goal of ensuring the implementation of those resolutions and that the will of the international community does not become dead letter.

The question then becomes: What in fact has happened to those issues enumerated above? We start with the demands made of Israel, the occupying Power. Unfortunately, Israel has not complied with those demands. Israel neither complied with even the bare minimum, nor did it claim to have complied. Israel continued the construction of the settlement at Jebel Abu Ghneim, where it has completed the infrastructure and recently called for tenders for the building of the first group of units there. It pursued its settlement activities in Bab Al-Amud and Burj al-Laqlaq in occupied Jerusalem, in Al-Khalil and in the rest of the occupied Palestinian territory. Further, it continued to confiscate land and to build so-called bypass roads, and pursued its actions against Palestinian Jerusalemites, separating the West Bank from the Gaza Strip, as well as economic suffocation, among other things.

What of the peace process? What has become of it? Once more, in spite of the great necessity for the process to succeed and of virtual international unanimity on this matter, the policies and positions of the Israeli Government unfortunately remain unchanged, in denial of the principles of the process and in continuous violation of the existing agreements. Recently, the United States intensified its efforts, including at the highest level, to bring the process back on track. After 10 days of difficult negotiations at Wye Plantation, the Wye River Memorandum was signed at the White House on 23 October 1998. The Memorandum is comprised of steps to facilitate implementation of the existing agreements in accordance with a specific timetable to be completed by 29 January 1999, last week.

In reality, immediately after the signing of the Memorandum, the Israeli side began its attempts to evade and postpone implementation, as well as to impose new conditions, until the whole matter culminated with the Israeli Government's suspending implementation of the Memorandum on 20 December 1998. The whole world is witness to the responsibility which that Government alone bears for the intentional destruction of the peace process. The suspension was, of course, accompanied by a freeze of the final status negotiations, which should be completed by 4 May 1999, the date when the five-year transitional period agreed upon by the two sides will come to an end.

I wish to stress here that all of these factors are pushing the situation in a very dangerous direction. The existing interim agreements are not being implemented, the final status negotiations are not being conducted, and even the possibility of extending the transitional period for a specific time agreed upon by the two sides is not possible — all as a result of the positions of the Israeli Government. In turn, we can allow neither a legal and political void to arise in our land nor the possibility of the situation's reverting to what it was before the peace process began. We must shoulder our responsibilities towards our people for the realization of their rights in statehood and independence.

With regard to the recommendations made by the session to Member States, we would like to express our appreciation to the majority of Member States that have taken a firm and long-standing position in this respect. Further, it is reassuring to see important movement by other States in accordance with the existing trade agreements and, we believe, with their legal obligations aimed at goods and products manufactured by the Israeli settlements. We express our appreciation here for the position of the European Commission on this matter and we hope for the adoption of final measures in this regard.

At the same time, and frankly speaking, there continues to be support originating in other countries for the Israeli settlements, at least from individuals and non-governmental parties. We submitted specific examples concerning this issue in our letter to the Secretary-General of 20 August 1997, contained in document A/ES-10/14. We hope that the countries concerned will take the necessary measures in accordance with their legal obligations as High Contracting Parties to the Fourth Geneva Convention.

Finally, what about the convening of the conference of the High Contracting Parties to the Fourth Geneva Convention? The session recommended the convening of this conference three times. The first recommendation was contained in resolution ES-10/3 of 15 July 1997, adopted 19 months ago. Later, the session recommended that the Government of Switzerland, in its capacity as the

depositary of the Convention, take the necessary measures, including the convening of a meeting of experts before the end of February 1998, which was later extended until the end of April 1998.

With the initiation of this issue and upon the request of the Secretary-General, Switzerland consulted with the High Contracting Parties, after which the Secretary-General submitted his report on the results, which indicated that a large majority of High Contracting Parties supported the convening of the conference even at that early stage.

Switzerland undertook efforts which we appreciate. It organized a meeting between the Palestinian and Israeli sides in the presence of the International Committee of the Red Cross from 9 to 11 June 1998 in Geneva for the purpose of examining means to contribute to the effective implementation of the Convention. Unfortunately, however, the meeting, as we expected, led to no change in Israeli policies and practices violating the Convention. Switzerland also convened a meeting of experts from 27 to 29 October 1998 on the problems related to the Convention in general and to the situation of occupation in particular. After that, Switzerland, as the Chair of the meeting, distributed concluding remarks regarding the proceedings of the meeting. From our point of view, that meeting was useful. However, as is known, it did not lead to the convening of the conference.

Needless to say, we have thoroughly cooperated with Switzerland in spite of our serious legal and political concerns and our position of principle not to seek selective amelioration through negotiations and the necessity of convening the conference and the meeting of experts in the manner recommended by the session. We have been very patient despite the pressure of continuous Israeli violations. We have been cooperative despite the danger of the situation and Israeli intransigence. Now we believe we have reached the end of the line. Negotiations and preparations and searching for direction have all taken place. Now we have to take the only required step, that is, the reaffirmation of the recommendation to convene the conference on a specific date, which we hope will be 4 March 1999, and at an agreed-upon place.

In this regard — and in accordance with the position taken by the sponsors of the draft resolution — we hope that this meeting will be held on 8 April at the United Nations Office at Geneva, but no later than that. Furthermore, we trust that the Secretary-General, if so requested, will be ready to make available all necessary facilities to enable the High Contracting Parties to convene the conference. We will, of course, always be ready to cooperate with Switzerland in this respect.

The approaching fiftieth anniversary of the Geneva Conventions should represent an incentive for all of us to reiterate our determination to further promote international humanitarian law and to reaffirm the undertaking by the High Contracting Parties to respect and to ensure respect for the Conventions in all circumstances in accordance with common article 1.

We are hopeful that we will be able to enhance our work in upholding the Charter of the United Nations, international law and the relevant United Nations resolutions, particularly the resolutions of the tenth emergency special session, under which we are meeting today. We are hopeful that we will be able to provide protection for the Palestinian people in support of their rights. We are hopeful that we will be able to save the Middle East peace process from the claws of extremism and expansionism — now, and not later.

Mr. Gold (Israel): Let me begin by expressing the deep feelings of the people of Israel for His Majesty King Hussein of the Hashemite Kingdom of Jordan and for his courageous struggle against his illness. The prayers of all of Israel are with him.

Let me also express condolences to Colombia for the terrible disaster that country has just recently experienced.

Fifty years ago, 63 Governments sent delegations to a diplomatic conference held from 21 April to 12 August 1949 in Geneva, Switzerland, in order to establish new international conventions for the protection of victims of war. The four Geneva Conventions that were concluded at the end of the conference were motivated in part by the fresh memories of the delegates of the horrors of the Second World War and the atrocities committed against mankind in general and against the Jewish people in particular in Nazi-occupied Europe.

Today, 50 years later, an emergency special session of the United Nations General Assembly has been called again to insist that a conference of the High Contracting Parties to the Fourth Geneva Convention be convened to enforce the Convention in territories that Israel has administered since the Six Day War, of 5 June 1967.

This initiative is totally unacceptable to the State of Israel. It is completely divorced from a basic reading of

political reality. It is completely divorced from any norms of fairness. After all, since 1949, have the High Contracting Parties ever convened with respect to any single conflict in the world? When the Soviet Union invaded Afghanistan or Czechoslovakia, was a conference convened? No. When Iraq invaded Kuwait, was a conference of the High Contracting Parties convened? No. When Viet Nam invaded Cambodia, was a conference convened? No. In fact, in repeated cases of wars of aggression, ethnic cleansing and even genocide, the High Contracting Parties did not meet a single time.

But while the High Contracting Parties have never met once since 1949 to discuss the Fourth Geneva Convention or its application — even after wars of aggression against Member States of the United Nations — a proposal is now being made to convene the signatories of the Convention with respect to the one case since 1949 that was an unquestionable war of self-defense, the Six Day War.

That is why in the War's aftermath the General Assembly refused to adopt proposals that sought to brand Israel the aggressor. It is to be remembered that the Six Day War broke out after neighbouring States massed their armies on Israel's borders, blockaded Israel's southern access to the sea at the Strait of Tiran and called on the United Nations Secretary-General at the time to remove United Nations peacekeepers along Israel's southern border.

Moreover, what is the political context of this initiative? Did the Six Day War occur six months ago? No, it transpired nearly 32 years ago. And presently Israel and the PLO are engaged in a peace process based on the Oslo agreements intended to determine the final status of these disputed territories.

With the implementation of the Oslo agreements, today more than 97 per cent of the Palestinian population in the West Bank and Gaza Strip is, in fact, not under Israeli military control, but rather under the jurisdiction of the Palestinian Authority. It is not clear whether the authors of this initiative know which civilian population is being protected, and from whom. It is doubtful that this initiative will improve the everyday lives of the Palestinian population under PLO Chairman Yasser Arafat's Administration. In short, this is a political measure directed against the State of Israel, and not an effort to improve the conditions of the Palestinians.

But this effort is not a problem for Israel alone. This anti-Israel initiative is now creating a mechanism that will be a precedent for selective politicized application of the Geneva Conventions to any conflict. Article 1 of the Geneva Convention does not offer any modalities for the Convention's implementation in specific cases. This initiative presumes to create these modalities, thereby ensuring that they will be politicized. A new precedent will be created. As a result, international humanitarian institutions, which have remained neutral since 1949, will inevitably be compromised. Many United Nations Member States will find themselves targets of these sorts of initiatives in the future.

This PLO initiative is being advanced with the political argument that Israel has suspended the Wye Agreement and violated its commitments. This is completely false. Israel, in fact, has made tangible and in some cases irreversible concessions in implementing the Wye River Memorandum. Israel withdrew, in the context of the Memorandum, from a total of 491.4 square kilometres of West Bank territory. Has that been forgotten?

Israel made good on its commitment to complete a protocol for the opening of a Palestinian airport in the Gaza Strip. On 14 December 1998, Israel opened the Karni Industrial Estate in Gaza, which will provide 20,000 jobs for Palestinian workers. Israel is ready to complete preparations for the southern route of the safe passage, as was promised at Wye; only Palestinian insistence on a northern route has delayed this matter. Israel fulfils its commitments and takes risks for peace.

However, what has the Palestinian Authority done? The PLO Charter was finally modified, albeit five years after the commitment for its revision was made. But since mid-December 1998, PLO Chairman Yasser Arafat has released from prison some 60 Palestinians connected with terrorism. These prisoners have worked directly under the masterminds of some of the worst terrorist attacks in Israel's history — attacks that took place in the heart of Tel Aviv and Jerusalem in 1996 and 1997.

Upon returning to society after serving only short terms, these former prisoners immediately return to activate cells of the Izz al-Din al-Qassam units of Hamas, and they return to Islamic Jihad. Moreover, let it be added that neither of these organizations has been outlawed as was promised at the Wye River meetings. Rather than combat terrorist organizations and

infrastructure in accordance with the Wye Memorandum, the Palestinian Authority is taking actions that will allow them to expand and increase the direct threat to Israel.

This threat is not imaginary. Since the implementation of the Oslo agreements in 1994, Israel has been under the assault of a wave of suicide bombings that have killed hundreds of innocent Israeli civilians, as well as civilians of other countries. These bomb attacks have emanated from areas under the control of the Palestinian Authority. These attacks persisted because the PLO did not dismantle the terrorist organizations that it had promised to disband and because weapons the PLO had pledged to seize continued to proliferate. That is why both the Hebron Protocol, and specifically the Note for the Record, as well as the Wye River Memorandum, directly linked Israeli implementation of that Memorandum to Palestinian compliance, particularly in the area of security. That is why the principle of reciprocity was advanced and accepted.

To charge that Israel has frozen or suspended measures agreed at Wye is to totally ignore the breakdown of Palestinian compliance with detailed security obligations. To expect that Israel will continue to withdraw, despite this non-compliance, is to ignore the written commitments of the parties to reciprocity and to demand of Israel that it put its population at an unacceptable level of risk.

Israel, I repeat, did not stop Wye. Israel insisted on reciprocity, which is the basis, the agreed basis, of the Wye River Memorandum.

The Geneva Conventions are extremely important to the State of Israel. For this reason, the Fourth Geneva Convention has in fact been applied in the West Bank and Gaza Strip. Today the Fourth Geneva Convention continues to be applied. The International Committee of the Red Cross operates in these territories. It visits detainees and prisoners. Israel's military administration operated in the past in accordance with the rules of the Geneva Convention. Palestinian residents of the territories have come under the protection of the Israeli Supreme Court, which has based rulings on the Geneva Convention. Even Israeli soldiers carry a copy of the principles of the Fourth Geneva Convention when they serve in these areas. The Fourth Geneva Convention has in fact been annexed to the formal military orders of the Israeli General Staff to the Israel Defence Forces. The plain truth is that Israel is the only country in the world that applies the Geneva Conventions at all.

The draft resolution before the General Assembly is wrong and should be opposed. It ignores the many cases of real aggression since 1949 and seeks to apply the Fourth Geneva Convention selectively in only one case: the case of Israel. It ignores the fact that today most Palestinians are under an expanding Palestinian administration and not under Israeli military rule. It ignores massive Palestinian non-compliance with Wye and blindly asserts that Israel has frozen the peace process.

This draft resolution, moreover, violates the Oslo process itself. On 9 September 1993, PLO Chairman Yasser Arafat wrote to the late Israeli Prime Minister Yitzhak Rabin,

> "The PLO commits itself to the Middle East peace process and to a peaceful resolution of the conflict between the two sides and declares that all outstanding issues related to permanent status will be resolved through negotiations."

I emphasize "through negotiations". That solemn commitment of the Palestinian leadership to Israel is being violated here today. For if Israel and the PLO have differences over issues of permanent status such as Jerusalem or settlements, the forum for dealing with such matters is the negotiating table and not an emergency special session of the General Assembly.

The Geneva Conventions and international humanitarian law are, finally, important for the State of Israel and the Jewish people, particularly given the atrocities that our nation underwent in the course of the Second World War. To apply to the case of Israel alone a Convention created to prevent those same atrocities is not just offensive, it is vulgar.

The international community has a fundamental choice. It can vote for a politicized initiative that twists truth and destroys international norms for the sake of a narrow political gain; or, alternatively, the international community can refuse to be a part of this transparent effort. Israel asks that nations of the world vote for peace and the preservation of international humanitarian law.

Mr. Ka (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (*interpretation from French*): At its emergency special session held almost a year ago, the General Assembly undertook to consider the disquieting situation in the occupied Palestinian territories, including

Jerusalem, stemming from the Israeli Government's illegal policies and measures. Today we find ourselves meeting once again, after the main part of the regular session of the General Assembly, to reconsider that very same question.

In recent months, the Committee on the Exercise of the Inalienable Rights of the Palestinian People had been under the impression that progress in the peace process was still possible and that we would be able to break the deadlock. Indeed, in October last, following significant diplomatic efforts on the part of the President of the United States and the King of Jordan, the President of the Palestinian Authority, Mr. Arafat, and the Prime Minister of Israel, Mr. Benjamin Netanyahu, signed the Wye River Memorandum.

I should like here to note that King Hussein of Jordan, although ill at the time, played an active part in the conclusion of that agreement. Together with the fraternal people of Jordan, we all are praying for his prompt recovery.

The encouraging breakthrough represented by the Wye River Memorandum, which was favourably received by the international community, offered genuine grounds for hope to the Palestinians and to all those who desire a rapid conclusion to the peace process.

In the message he delivered in November 1998 on the occasion of the commemoration of the International Day of Solidarity with the Palestinian People, President Arafat stated that the Memorandum was a harbinger of great hope for the peoples of the region and for the Palestinian people in particular. He was convinced that this fresh impetus would put the peace process back on track. He also expressed the hope that international pressure would induce the Israeli Government to fulfil the obligations it undertook pursuant to that Memorandum, thereby making it possible for peace talks to be resumed and for final-status discussions to be undertaken in a climate of trust, respect and mutual understanding.

Unfortunately, the peace process is still beset by uncertainty, for fresh obstacles have arisen that are blocking the way to the full realization of the legitimate aspirations of the Palestinian people.

On 20 December 1998, the Israeli Cabinet took a decision whose effect was quite simply to suspend the implementation of the Wye River Memorandum. It imposed additional conditions on the Palestinian side, and any subsequent deployment of Israeli troops remains in doubt. That decision re-attests once again to the Israeli side's lack of good faith, since it always reneges on agreements it has entered into. The imposition of fresh conditions can only result in delays and bring disillusionment and disappointment to the Palestinian people.

No sooner was the October Memorandum signed than a series of extremely disquieting events took place. On 1 November, Jewish settlers resumed work, with the authorization of the Israeli Government, on the site of a Jewish settlement on the Ras-Al-Amoud sector of East Jerusalem. The day before, Israel had announced the construction of a new 200-dwelling addition to the Kiryat Arba settlement, to the east of Al-Khalil, or Hebron.

On 12 November 1998, Israel began the tendering process for the construction of a new settlement in Jebel Abu Ghneim, to the south of East Jerusalem.

The situation in the occupied Palestinian territories continues to deteriorate as a result of the violence, humiliations, frustrations and tension, which are intensifying day by day. Violent clashes between Palestinian residents and Jewish settlers have taken place recently in Hebron as well as on the roads, at the barriers erected by settlers against Palestinian vehicles. None of this is new. These regrettable incidents simply add to the mistrust, despair and hardship of a people whose suffering has gone on for many decades and which aspires only to peace in conditions of dignity and of respect for its inalienable rights.

A step recently taken by the Israeli Parliament has further dimmed hopes. On 26 January 1999 the Knesset adopted a law whose basic objective is to block future negotiations by tightening the conditions for the restoration of land to the Palestinians of East Jerusalem and to Syria in the occupied Syrian Golan.

For several years now, the Committee on the Exercise of the Inalienable Rights of the Palestinian People has been striving to alert the international community to the tragic plight of these people and to their precarious living conditions in the occupied Palestinian territories, including Jerusalem.

In the course of the past year, the General Assembly, at its regular session and at its tenth emergency special session, reviewed the human rights situation of the Arab population in the occupied Palestinian territories. It underscored the fact that all of

the measures taken by Israel were unlawful and in flagrant violation of the provisions of the Geneva Convention of 12 August 1949 relative to the Protection of Civilian Persons in Time of War. Israel, bound *de jure* by the provisions of that Convention, to which it is a party, has consistently violated the provisions of that international instrument, whose fiftieth anniversary we will shortly be commemorating.

In view of these repeated acts of violence and these frequent denials of rights, the Assembly recommended that the High Contracting Parties to the Fourth Geneva Convention should convene a conference on the measures to be taken to apply and enforce the Convention in the occupied Palestinian territories, including Jerusalem. It also recommended to the Government of Switzerland, the depositary of the Convention, that it take the necessary steps to convene first a meeting of experts and then the Conference of States Parties.

As members know, the meeting of experts on the Fourth Geneva Convention took place from 27 to 29 October 1998 under the chairmanship of Switzerland. The experts studied issues relating to the implementation of the Convention in general, and to its application in the occupied territories in particular. They reviewed ways to resolve all the issues that had been raised. The convening of that meeting of experts, which was part of a series of measures envisaged by States parties, was most useful; but we are obliged to note that, even though a full year has passed, no decision has been taken on a specific date to convene a conference of High Contracting Parties.

In the light of the decision to suspend implementation of the Wye River Memorandum and Israel's persistent non-compliance with the provisions of the Convention and of resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5, and in the light of the deterioration of the peace process in spite of all the efforts and sacrifices that have been made, the Committee on the Exercise of the Inalienable Rights of the Palestinian People considers that the convening of a conference of the High Contracting Parties at a specific date is of increasingly crucial importance.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I appeal to the members of the international community to support the draft resolution calling for the prompt convening of a conference of the High Contracting Parties to the Fourth Geneva Convention.

The President (*interpretation from Spanish*): I call on the representative of the United Arab Emirates to introduce draft resolution A/ES-10/L.5.

Mr. Al-Hosani (United Arab Emirates) (*interpretation from Arabic*): On behalf of the Group of Arab States, my delegation wishes to express our concern at the health of His Majesty King Hussein of the Hashemite Kingdom of Jordan. Our wishes for complete recovery go to His Majesty. We reaffirm our solidarity with the Government and the people of Jordan at this critical moment.

My delegation wishes also to convey its condolences to the friendly country of Colombia in connection with the disaster that recently struck it.

As the representative of the United Arab Emirates and as Chairman of the Group of Arab States for this month, I am pleased, Sir, to thank you and the members of the General Assembly for supporting our request to resume the tenth emergency special session, convened under resolution 377 A (V), "Uniting for Peace". The Assembly is today resuming its consideration of illegal Israeli actions in occupied East Jerusalem and the rest of the occupied palestinian territory.

We are meeting here at a time when the occupied Arab and Palestinian territories are facing one of their most complicated and critical situations. Today's meeting confirms the gravity of the humanitarian, security, economic and social conditions inflicted on the Arab and Palestinian peoples, and reflects the international community's recognition of that situation. Suffering is on the increase owing to continued action by the Israeli Government to confiscate land, demolish houses, continue acts of settler colonialism, and adopt measures of collective punishment, oppression, blockade and imprisonment. That Government is ignoring the risks that such actions entail for the Middle East peace process and for international peace and security.

Even though more than 18 months have elapsed since the initial convening of this emergency special session, and even though many international resolutions have been adopted, the Israeli Government continues its illegal acts in the occupied Arab territories, particularly with respect to illegal settlement activities. Unfortunately, we have witnessed highly regrettable events. The Israeli Government has continued its blatant and reckless defiance of the will of the international community; it has continued its expansionist settlement activities; it has

adopted a whole array of illegal legislation that further compromises Arab and Palestinian sovereignty over the territories. The legislation adopted on 26 and 27 January, which would extend Israeli sovereignty over Al-Quds Al-Sharif and over the Golan, are the latest in this series of illegal Israeli actions.

Such actions jeopardize the political, demographic and security situation of the population of the territories and will have an adverse effect on the population of the entire region. We consider them to be provocative and to be null and void. They run counter to both the letter and the spirit of all relevant resolutions of the Security Council and the General Assembly, of the principles of international law and of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 — the Fourth Geneva Convention. They have no practical, legal or historical value. They will not change the principles, facts or terms of reference of the final resolution of the Palestinian cause and of the Middle East question as stipulated in resolutions of international legitimacy, particularly Security Council resolutions 242 (1967) and 338 (1973).

The causes that led to the initial convening of the tenth emergency special session persist. They are embodied in the position of the Israeli Government refusing to put an end to the policy of building settlements in the Arab and Palestinian territories occupied by Israel, and particularly in Jebel Abu Ghneim and in the remainder of East Jerusalem. This runs counter to decisions already taken by the General Assembly at the tenth emergency special session. In its resolution ES-10/3, the Assembly recommended the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention to enforce the Convention in the occupied Palestinian territory, and to ensure its respect, in accordance with common article 1.

We have followed with interest and concern the efforts made in that connection by the Government of Switzerland in its capacity as depositary of the Fourth Geneva Convention. We acknowledge the efforts made in convening a four-party meeting in June 1998, and in convening a meeting of experts in October 1998 which discussed problems with respect to convening a conference of High Contracting Parties. We still hope that these efforts will be intensified so that we can take the important step of convening a conference of the High Contracting Parties to the Fourth Geneva Convention, which is an international commitment set out in resolutions of the General Assembly. It must be implemented, because it represents the will of the international community, which has reaffirmed the applicability of the Convention to Arab and Palestinian territories under Israeli military occupation and control.

We also call on the international community represented in this forum to repeat its clear and unequivocal condemnation of all belligerent illegitimate acts perpetrated by the Israeli Government, which continues to build illegal Jewish settlements in Jebel Abu Ghneim and throughout the territories of Jerusalem, as well as in other parts of Arab and Palestinian territories. These acts must be considered null and void and rejected. They are unilateral attempts to change the legal, historical and demographic composition of the occupied territories and are aimed at imposing a fait accompli on the ground prior to the final status negotiations to determine the fate of the Palestinian people and its attempt to establish its independent State on its national soil, as other peoples of the world have done.

I should like simply to ask the Israeli representative if there is any State represented in this forum that ignores and rejects the resolutions of the Security Council and the General Assembly, as well as those of international legitimacy. The answer is no. Has there ever been a Government in power that has so reneged on its commitments? Again, the answer is no. Does any other State claim to implement the Fourth Geneva Convention while violating it on a daily basis in the Arab territories? No. All the reasons put forward by the representative of Israel to forestall the convening of the conference are without basis. I tell him no, no and no.

The Arab Group fully believes in the provisions of the Fourth Geneva Convention of 1949. We consider it to be the legal framework and reference point applicable to all Arab and occupied territories. We believe that all the High Contracting Parties must work to adopt the necessary measures to convince Israel to respect the Convention and to guarantee its full applicability to all territories it occupies, including the Holy City of Jerusalem.

It is my honour to introduce the draft resolution contained in document A/ES-10/L.5 on behalf of its sponsors: Afghanistan, Algeria, Bahrain, Bangladesh, the Comoros, Cuba, Djibouti, Egypt, Indonesia, Jordan, Kuwait, Malaysia, Mauritania, Morocco, Oman, Pakistan, Qatar, Saudi Arabia, Sudan, Tunisia, United Arab Emirates, Yemen and Palestine.

The draft resolution marks yet another step in the attempt to follow up the resolutions of the tenth emergency special session. It is similar to previous resolutions, with the addition of a recommendation to convene a conference of the High Contracting Parties to the Fourth Geneva Convention. It has 13 preambular and 10 operative paragraphs.

The first preambular paragraph reaffirms the resolutions of the tenth emergency special session. The second expresses the determination to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law. The third reiterates the permanent responsibility of the United Nations towards the question of Palestine. The fourth expresses awareness that Israel, the occupying Power, has not heeded the demands made in the resolutions of the tenth emergency special session and that it continues to carry out illegal actions. The fifth reaffirms that all illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, especially settlement activities, remain contrary to international law. The sixth expresses concern about the persistent violations by Israel of the provisions of the Fourth Geneva Convention. The seventh expresses consciousness of the serious dangers arising from persistent violations and grave breaches of the Fourth Geneva Convention of 1949 and the responsibilities arising therefrom. The eighth expresses awareness of the upcoming fiftieth anniversary of the four Geneva Conventions, which is an occasion for renewed determination to further promote international humanitarian law and to reaffirm the undertaking by the High Contracting Parties to respect and to ensure respect for the Conventions in all circumstances. The ninth and tenth preambular paragraphs take note of the measure taken by the Government of Switzerland to organize a four-party meeting from 9 to 11 June 1998 in Geneva as well as the meeting of experts of the High Contracting Parties from 27 to 29 October 1998. The eleventh expresses grave concerned at the suspension, on 20 December 1998, by the Government of Israel of the implementation of the Wye River Memorandum. The twelfth expresses the General Assembly's determination to persist in its work to bring about compliance by Israel, the occupying Power, with the terms of resolutions adopted by the tenth emergency special session. The last preambular paragraph expresses the General Assembly's awareness that under the circumstances it should continue to consider the situation with a view to making appropriate recommendations to the States Members of the United Nations in accordance with General Assembly resolution 377 A (V) of 3 November 1950.

Operative paragraph 1 reiterates the Assembly's condemnation of the failure of the Government of Israel to comply with its previous resolutions. Paragraph 2 reaffirms that all legislative and administrative measures and actions taken by Israel which have altered or purport to alter the character, legal status and demographic composition of Jerusalem and the rest of the occupied Palestinian Territory, including the law adopted recently on 26 January 1999 and the legislation of 27 January 1999, are all null and void and have no validity whatsoever. Paragraph 3 reiterates also, in the strongest terms, all the demands made of Israel in the above-mentioned resolutions, while paragraph 4 reiterates the Assembly's previous recommendations to Member States. Paragraph 5 affirms that increased efforts must be exerted to bring the peace process back on track and to continue the process towards the achievement of a just, comprehensive, and lasting peace. Paragraph 6 reiterates the Assembly's recommendation that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1, and further recommends that the High Contracting Parties convene the said conference on 8 April 1999 at the United Nations Office at Geneva. In paragraph 7, the Assembly would invite the Government of Switzerland, in its capacity as the depositary of the Geneva Convention, to undertake whatever preparations are necessary prior to the conference. Paragraph 8 requests the Secretary-General to make the necessary facilities available to enable the High Contracting Parties to convene the conference. Paragraph 9 expresses the Assembly's confidence that Palestine, as a party directly concerned, will participate in the above-mentioned conference. In paragraph 10, the Assembly would decide to adjourn the tenth emergency special session temporarily and to authorize the President of the most recent General Assembly to resume its meeting upon request from Member States.

We urge members to vote in favour of the draft resolution, which represents respect for the credibility of this Organization and its determination to maintain international peace and security, as provided for in the Charter.

Mr. Kastrup (Germany): I have the honour to take the floor on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia

and Slovenia — and the associated country Cyprus, as well as the European Free Trade Association countries members of the European Economic Area — Iceland and Liechtenstein — align themselves with this statement.

Let me start by expressing our sympathy for King Hussein, his family and the Jordanian people in this difficult time. King Hussein has been a great statesman, a visionary and a courageous fighter for peace. He will remain a symbol for peace in the Middle East.

The European Union regrets the fact that the General Assembly has to meet again to examine the situation in the occupied Palestinian territory, including East Jerusalem. The Union deplores Israel's failure to respond to the appeals made by the General Assembly and the international community to suspend the development of settlements in the occupied territories, including East Jerusalem. The Union reiterates that these activities are contrary to the provisions of the Fourth Geneva Convention, which apply to the occupied Palestinian territories, including East Jerusalem, and to other Arab territories occupied by Israel since 1967.

The European Union had warmly welcomed the Wye Memorandum. Let me reiterate that the Union therefore deeply regrets the decision by the Israeli Government to suspend the implementation of the Wye Memorandum. This step contravenes both the spirit and the letter of the Memorandum. The European Union especially deplores the refusal by the Israeli Government to carry out the second phase of the redeployment from the West Bank. The Union expects both sides to implement the Memorandum fully, without the introduction of new conditions.

The European Union first and foremost thanks Switzerland for the actions it has taken in following up resolution ES-10/5. Those actions included both the organization of an *in camera* meeting between the Palestinian and Israeli sides, in the presence of the International Committee of the Red Cross, and the convening of a meeting of experts of the High Contracting Parties to the Fourth Geneva Convention on general problems concerning the Convention, in particular in occupied territories.

The conclusions of the chairman of the meeting of experts of High Contracting Parties, convened from 27 to 29 October 1998, stated that it is not so much technical problems that are hindering the application of the Convention, but essentially political and legal disputes over its applicability. This should not prevent us, however, from seeking solutions that could ensure respect for all the provisions of the Fourth Geneva Convention in occupied Palestinian territories, including East Jerusalem.

The European Union would suggest that the conference of the States parties to that Convention should focus on practical steps. To this end, all efforts should be exerted in order to ensure broad participation in the conference, in particular by the participation of the parties primarily concerned and the International Committee of the Red Cross. In their preparations, the High Contracting Parties to the Fourth Geneva Convention should bear in mind the final goal of their efforts, which is to ensure respect for the Convention and, first and foremost, to contribute to a real improvement of the situation on the ground, namely, the situation of the Palestinian population.

The European Union supports the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention. It sympathises, however, with the Swiss concern that the conference should be properly prepared and that it should enjoy widespread support, with the presence of all key parties, in order to have a reasonable chance of success.

In the view of the European Union, the draft resolution under consideration needs further consultations. There are still a number of open questions. The Union stands ready to sit together with the Arab Group to talk about a text that is also acceptable to the European Union.

Let me conclude by reaffirming that the European Union remains deeply attached to the peace process as the only way to establish lasting peace and security in the region. We call upon both parties to make progress in the implementation of the Interim Agreement, as well as the Wye Memorandum. Peace is possible and necessary and is a matter of urgency in the Middle East.

Mr. Abulhasan (Kuwait) (*interpretation from Arabic*): At the beginning of my statement, given the critical state of health of King Hussein of the Hashemite Kingdom of Jordan, I would like to say on behalf of my country that we are all offering prayers that his health be restored. We offer our sympathy to Jordan and to the fraternal people of Jordan and join them in prayer so that there can be continued development and stability in that country.

I would now like to express my appreciation to the General Assembly for resuming this tenth emergency special session in order to discuss the item "Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

It is indeed sad that the tenth emergency special session is having to be convened for a fourth time. This shows that the decisions adopted on the four previous occasions have not been implemented, although years have passed since the adoption of the first decision on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. Nor have the other Arab demands been heeded, even though they were dealt with in earlier resolutions, including that for a conference of the High Contracting Parties to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War.

My delegation regrets that we have to discuss these matters once again. We are indeed all very disappointed. Some parties, particularly the Israeli Government, have not respected the decisions taken and have flouted the decisions adopted by the Assembly, attaching no importance whatsoever to the legal standing of this international Organization.

My country has been very concerned about illegal Israeli actions in East Jerusalem. Here I would note the statement of the Palestinian observer, who said that Israel, as the occupying Power, has opened bidding for the building of residential units in a settlement it has decided to build in Jebel Abu Ghneim on the West Bank, south of East Jerusalem. It has also requested bids for the construction of 13 bypass roads to reach the illegal Jewish settlements. This will involve further confiscation of land.

Kuwait appeals to the Israeli Government to stop these actions immediately. We believe that these Israeli actions are in flagrant violation of all the relevant United Nations resolutions, including those of the Security Council and the resolutions adopted at earlier meetings of the tenth emergency special session. These actions are also in flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War. These actions are also contrary to the agreements signed between the Palestinian National Authority and the Israeli Government within the context of the peace process.

Illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory are a provocation to Arabs and Muslims, given the religious significance of Al-Quds to them.

We believe that it is very important that the international community take swift action to halt all illegal Israeli actions, because Israel is trying to change the demographic composition and religious character of the city. Swift international action must be taken.

The first thing to do is to convene the conference of the High Contracting Parties to the 1949 Fourth Geneva Convention in order to consider the implementation of the Convention in the occupied Palestinian territories, including Jerusalem, and in order to ensure respect for the Convention in accordance with common article 1 and in accordance with the draft resolution before us for consideration today. For 19 months the decisions of the tenth emergency special session encouraged the holding of such a conference. We express our appreciation to the Government of Switzerland for the actions it has taken in this connection. It is our hope that the Government of Switzerland, as the depositary of the Convention, will proceed with preparations for a conference of the High Contracting Parties.

We believe that all the necessary conditions for holding a conference have now been met. What is needed is sincere international support for such a conference, as well as respect for all the international conventions, which are indeed the foundation of our work in this important forum.

Mr. Hasmy (Malaysia): At the outset allow me, on behalf of my delegation, to express our sympathy and condolences to the delegation of Colombia for the recent tragedy there. I would also like to express our hopes and prayers for the speedy recovery of His Majesty King Hussein of Jordan. His Majesty King Hussein's many contributions to the peace process, particularly in respect of the Wye River Memorandum, are well known to us all.

At the resumed tenth emergency special session, held in March 1998, the General Assembly adopted resolution ES-10/5 by an overwhelming majority. Through this resolution the international community reiterated its condemnation of the failure of the Government of Israel to comply with the provisions of resolutions ES-10/2, ES-10/3 and ES-10/4, adopted in 1997. To this very moment, Israel has ignored the demands made by the international community as contained in those resolutions. Israel's continued refusal

to comply with these resolutions clearly shows its lack of respect for the views of the international community, overwhelmingly expressed in this body.

It has been stated time and again, here and elsewhere, that the provisions of the 1949 Fourth Geneva Convention have direct applicability to Israel as the occupying Power, which is obliged to fully comply with the provisions of the Convention. Regrettably, Israel continues to ignore its obligations under the Convention. Its policies and actions in the occupied Palestinian territories, including Jerusalem, bear ample testimony to its deplorable and unacceptable behaviour as an occupying Power. My delegation strongly supports, once again, the call for the early convening of a conference of the High Contracting Parties to the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War, a conference on measures to enforce the Convention in the occupied Palestinian territories, including Jerusalem, and to ensure its respect in accordance with common article 1. As one of the High Contracting Parties, Malaysia would urge that the necessary steps be taken towards the convening of such a conference on the proposed date of 8 April 1999.

My delegation reiterates its serious concern at, and strong opposition to, Israel's policy of establishing new Jewish settlements in the occupied Palestinian territories. Despite numerous United Nations resolutions which reaffirm that the settlements are illegal, Israel persists in pursuing this policy. In addition to settlement expansion in various parts of the occupied Palestinian territories, the continuing settlement activities in Jebel Abu Ghneim, in Arab East Jerusalem, constitute a clear violation of the 1949 Geneva Convention. The creation of new Jewish settlements will obviously change the demographic character of East Jerusalem in favour of Israel, thus pre-empting the final status talks, which have yet to take place.

My delegation considers unacceptable and provocative the invitation for tenders made by the Government of Israel in November 1998 for the construction of a new Jewish settlement in Jebel Abu Ghneim. We call on Israel to cease forthwith construction work in that area and other parts of the occupied Palestinian territories and to comply with the demands contained in resolution ES-10/5 and other relevant United Nations resolutions.

Malaysia has time and again expressed its strong views on the discriminatory and repressive policies and practices adopted by Israel in the occupied Palestinian territories. We hold these views because Israel persists in maintaining such policies and practices, thereby prolonging the intolerable hardships and sufferings of the Palestinian people. These policies, which manifest themselves in such acts as the demolition of Arab houses, not only contravene the 1949 Geneva Convention, but also violate one of the most basic human rights — the right to shelter. Far from advancing the cause of peace, such policies and practices only prolong the climate of frustration, hatred and suspicion, thereby fuelling the continuing cycle of violence. This is evidenced by an incident involving the demolition of an Arab home in Jerusalem on 26 January 1999, which sparked clashes between Palestinians and Israeli troops and resulted in the unnecessary death of a Palestinian, who was struck by a rubber bullet fired by Israeli soldiers.

The Wye River Memorandum of 23 October 1998 had given rise to new hopes of a breakthrough in the peace process, which was warmly welcomed by the international community. Regrettably, Israel decided to freeze the implementation of the Memorandum from December 1998, in particular the handing over of a further 13 per cent of the occupied territories to the Palestinian Authority, the release of 750 Palestinian prisoners and the opening of a route for Palestinians travelling between the West Bank and the Gaza Strip. This has dashed hopes of a breakthrough and demonstrated once again Israel's willingness to renege, whenever convenient, on an agreement to which it has committed itself. We urge Israel to adhere to its commitments and not to resort to finding excuses and blaming the Palestinian side in order to justify its action or non-action.

It is indeed most regrettable that the deadline for implementing the Wye River Memorandum has passed. It is our view that serious diplomatic efforts and pressure should be exerted to ensure that the provisions of the Memorandum are implemented without delay. We fully support the establishment of a mechanism that will secure Israel's full commitment to the implementation of the Memorandum.

Certain recent developments, especially the passage on 27 January 1999 of a bill in the Israeli Knesset to extend Israeli law over settlements in the West Bank and Gaza, should be of serious concern to the international community. If the bill were to finally pass and become law, it would effectively formalize Israel's annexation of the areas concerned. This would become a stumbling block and pose a further serious threat to the peace process. The bill clearly runs counter to the final status

talks. We therefore seriously urge the Government of Israel to desist from such actions, which would put the entire peace process in jeopardy.

In conclusion, I should like to state that my delegation is most pleased to support the draft resolution before us today, consistent with our unremitting support and solidarity with the Palestinian people in their struggle for a just, comprehensive and lasting peace and their right to a peaceful and prosperous homeland.

Mr. Lavrov (Russian Federation) (*interpretation from Russian*): This resumed discussion in the General Assembly of Palestinian-Israeli relations demonstrates that serious problems remain on this track of the Middle East peace process despite the Wye River agreements.

The delays in implementing the second phase of redeployment of Israeli troops from the West Bank of the Jordan River, the continuing construction of settlements in the areas of Ras-Al-Amoud and Har Homah in East Jerusalem, and the recent decisions taken by the Knesset on issues affecting the permanent status of the Holy City cannot but cause us serious concern. We call on the sides to continue the process of implementing the Wye River Memorandum, including the fulfilment of Israel's commitments, which would open up the road to negotiations on the final status, including the settlement issues.

The current dangerous situation may provoke new violence and undermine the recent progress made on the Palestinian-Israeli negotiating track. Such incidents have already occurred — the vehicle explosion in central Jerusalem last November, the shots fired at an Israeli bus on 4 January in Hebron, and so on. We strongly condemn those terrorist acts. We are also firmly convinced that in order to ensure security and stability, the Palestinian-Israeli peace process must be brought back on track in accordance with the commitments made by the sides.

We are very disturbed by the fact that the decisions taken at the four previous meetings of the tenth emergency special session on halting all settlement activities in East Jerusalem and the rest of the Palestinian territory have not yet been implemented.

Against this not very encouraging backdrop, we would, however, like to note the efforts made by the Government of Switzerland in organizing last June a meeting between the Palestinian and Israeli sides in the presence of representatives of Switzerland and of the International Committee of the Red Cross, and last October a meeting of experts of the High Contracting Parties to the Fourth Geneva Convention, as provided for in resolution ES-10/5. The decisions taken there show that complex humanitarian issues relating to the specifics of the application of the Fourth Geneva Convention can in fact be constructively dealt with through the joint efforts of many States when the interested sides display goodwill, responsibility and restraint.

We support the idea of a conference of the High Contracting Parties to the Convention, as recommended in the new draft resolution. That decision was not an easy one to reach because of organizational and international legal problems. Preparations for the conference must of course be thorough and meticulous, and we are ready to participate in that process.

Russia, which is pursuing a policy of active diplomacy in the Middle East and is a co-sponsor of the peace process, will continue its efforts to overcome problems arising on the Palestinian-Israeli track. We are counting on an early resolution of such problems and on a settlement of the disputes in a spirit of reciprocity and strict respect for the agreements reached by the sides in order to ensure the completion of transitional measures and the parallel launching of negotiations on the final status. Russia will continue to pay very close attention to these issues.

Mr. Jemat (Brunei Darussalam), Vice-President, took the Chair.

Mr. Natalegawa (Indonesia): Let me at the outset express the profound concern of the Indonesian delegation on hearing of the downturn in the health of His Majesty King Hussein of Jordan. Our prayers and our thoughts are with His Majesty, with his family and with the people of Jordan. We wish His Majesty a speedy recovery.

We would like to take this opportunity also to convey our sympathy to the Government and the people of Colombia with respect to the earthquake which recently struck their country.

This meeting of the General Assembly has been convened as part of the resumed tenth emergency special session to consider illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. On four prior occasions the international community, at the tenth emergency special session, has

voiced its strong condemnation of illegal Israeli actions. It is therefore with deep concern and disappointment that we note that previous resolutions have not been implemented. Israel continues its illegal actions in occupied East Jerusalem and the rest of the occupied Palestinian territory, in particular the construction of new settlements at Jebel Abu Ghneim, the expansion of existing settlements and even the confiscation of more Arab lands. It is these ominous developments that led to the convening of this meeting.

We are all aware of the grave repercussions of such illegal measures and the adverse consequences of making the whole region face an untenable situation, and our deliberations are being held to reject Israeli settlement policies which are aimed at altering the character, legal status and demographic composition of Jerusalem and the rest of the occupied Palestinian territory. These measures are totally unacceptable.

It was our fervent hope that the conclusion of the Wye River Memorandum of 23 October 1998 would instil much-needed momentum into the peace process, which had been stalled for more than two years. Yet the major impediment that had earlier bogged down the implementation of peace accords concluded between the concerned parties continues to thwart efforts at achieving a comprehensive peace. The hopes that had been engendered by the peace agreements have been followed by frustration and despair due to Israel's reneging on its commitments. We commend the Palestinian people for their courage and endurance in the face of such adversity. There can be no doubt that their commitment to stay on the path to peace despite the formidable obstacles they face will ultimately bear fruit.

The international community should therefore call upon Israel to implement fully the relevant General Assembly and Security Council resolutions and to cease backtracking on commitments already reached with the leaders of the Palestinian people. This is a critical moment not only in the lives of the Palestinians but also for all peoples in occupied Arab lands, with grave ramifications for the region and for the entire world. It therefore behoves Israel to demonstrate its sincerity and commitment to peace not just through words, but by deeds and concrete action.

The draft resolution before us today rightly reiterates important elements of previous resolutions adopted at the tenth emergency special session. My delegation would also like to emphasize the importance of the early convening by the High Contracting Parties to the Fourth Geneva Convention of a conference on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in accordance with common article 1. It is all the more significant in the light of the approaching fiftieth anniversary of the four Geneva Conventions that we should ensure the enforcement of these provisions, particularly with regard to the deprivation of the rights of a whole nation and its people for more than five decades.

Indonesia has always reaffirmed its position that peace can only be achieved and endure if it is based on all relevant General Assembly resolutions and, in particular, on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), as well as on the principle of land for peace. For its part, Indonesia has reiterated its unstinting solidarity with the Palestinian people, especially in connection with the exercise of their sovereign and inalienable right to an independent homeland of their own on Palestinian soil.

It is beyond doubt that the United Nations bears a historical and moral responsibility to the people of Palestine. This was one of the first items on the agenda of the Organization; tragically, it remains until the present day. It cannot be denied that no other question has been more intractable than the issue of Palestine. The United Nations should continue to shoulder its responsibility until the rights of the Palestinian people are fully realized. We should seize the opportunity before us and should take decisive action by unanimously adopting the draft resolution before us.

Mr. Al-Dosari (Bahrain) (*interpretation from Arabic*): I wish at the outset to convey our sympathy to our brother country of Jordan at the deteriorating state of health of His Majesty King Hussein. We wish him a speedy recovery. Our sympathy goes to the Government and the people of Jordan; we wish them prosperity.

I wish also to convey our condolences to the Government and the people of Colombia at the loss of life and destruction caused by the earthquake that recently struck that country.

My delegation is extremely grateful to the President of the General Assembly for his positive response to the Arab Group's request for a resumption of the tenth emergency special session to consider illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. We wish also to thank the States members of the Non-Aligned Movement and other States that supported the Arab Group's request.

More than a year has passed since the General Assembly adopted resolution ES-10/5 of 17 March 1998, but no agreement has yet been reached on convening a conference of High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 — the Fourth Geneva Convention. This conference would consider measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect by Israel in accordance with common article 1.

My delegation appeals to the parties concerned, particularly the Government of Switzerland, the depositary of the Convention, to make every possible effort to ensure that a meeting of experts of the High Contracting Parties is convened no later than April 1999. We also urge that Palestine be invited to participate in the conference and in the preparations for its convening.

Any failure to convene the conference and any obstruction to the convening of the meeting of experts would encourage the Israeli authorities to continue to ignore their international commitments to the Palestinian people suffering under the yoke of Israeli occupation. It would also encourage the Israeli Government to renege on its commitments under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

The Israeli occupation is the only foreign occupation still in force at the end of this century. Nothing can deter Israel's arbitrary and oppressive practices in the occupied Palestinian territories, including Jerusalem, and other occupied Arab territories. Israel has absolved itself of all its responsibilities for the peace process in the Middle East, as dictated by international conventions and instruments, including the Madrid peace conference, the Oslo agreements and, last but not least, the Wye River Memorandum. We would recall that the Israeli Government decided to freeze its implementation of the Memorandum's provisions. The Israeli Government also persists in its illegal settler activities and in demolishing houses as a prelude to usurping more occupied Arab and Palestinian territories.

The peace process is at a critical stage. It is almost deadlocked as a result of Israel's policies towards the peace process and of its continued obstruction of the implementation of its commitments thereto. We therefore appeal to the international community to bring the necessary pressure to bear on the Israeli Government in order to force it to honour its commitments to the peace process. Such pressure would probably compel it to respond to international resolutions calling for the implementation of the Fourth Geneva Convention. We would not call for any unwarranted pressure on the Israeli Government, which, even as it signed the Wye River Memorandum, continued to announce that it did not intend to implement the agreement under the pretext that the Palestinian Authority had failed to implement certain provisions.

We do not know which pretexts will be resorted to next. It is normally expected that conditions will be set during negotiations, not afterwards. Israel is responsible for failing to implement the agreement, to release the Palestinian prisoners, as the agreement provides, and to cease the building of settlements in Palestinian territories. It is also responsible for riding roughshod over international conventions and instruments. The international community must assume its responsibility by taking the steps necessary to compel Israel to honour its commitments.

Mr Mahbubani (Singapore): Since March 1997, the General Assembly has held five sessions of the tenth emergency special session to consider illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. It is regrettable that, nearly two years after the first meeting and 11 months since the last resumed session, little progress has been made on this issue.

As we have stated on previous occasions, Singapore is firmly of the view that the peace process is the only path to lasting peace and security for the Palestinians, as well as for Israel and its neighbours. We reaffirm our commitment to a comprehensive, just and lasting peace based on Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), and within the framework of international law. Singapore will continue to support efforts to bring about the peaceful settlement of the question of Palestine.

For this reason, Singapore reiterates the importance of the full and immediate implementation of all General Assembly resolutions. We welcome the convening in Geneva of the meeting of experts of the High Contracting Parties from 27 to 29 October last year. It is unfortunate, however, that all the provisions of resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5 have not yet been complied with. We support the aforementioned resolutions and urge the Government of Switzerland, in its capacity as the depositary of the Fourth Geneva

Convention, to convene the conference of the High Contracting Parties to the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem.

Mr. Chaouachi (Tunisia) (*interpretation from Arabic*): In the current difficult circumstances for the sisterly Hashemite Kingdom of Jordan, due to the critical health situation of His Majesty King Hussein, my delegation expresses its hope that the fraternal people of Jordan will endure this tragedy steadfastly and strongly.

My delegation also wishes to convey its condolences to the people and Government of Colombia on the occasion of the destructive earthquake that struck parts of that friendly country recently.

The tenth emergency special session of the General Assembly has resumed its work to consider anew the question of the illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. The emergency special session has been addressing this issue for nearly two years. By overwhelming margins, it has adopted numerous resolutions in which it has expressed its strong condemnation of all the illegal measures and actions taken by Israel in Jerusalem and the other Palestinian territories. The resolutions of the special session have demanded, in the strongest and clearest terms, that the Government of Israel cease fully and promptly the construction of settlements and all other settlement activities. The special session has also repeatedly demanded that Israel cease all its other illegal actions in the rest of the Palestinian territories, such as its attempts to alter the territories' demographic composition and its arbitrary measures against the Palestinian people. The session also demanded that Israel accept the *de jure* applicability of the Fourth Geneva Convention, relative to the protection of civilian persons in times of war, of 12 August 1949 and that it respond to the relevant international resolutions.

Two years after the special session dealt with this question, and despite the repeated calls made by the session, there has been no indication that Israel will respond or that it even intends to respond to these calls. On the contrary, the Israeli Government persists in the policies and practices of settlement. It is proceeding further with the implementation of settlement activities and programmes in Jerusalem and in the other occupied Palestinian territories. This is a flagrant violation of the Fourth Geneva Convention, international resolutions and international law. It is also a defiance of the international community and its firm position against the illegal settlement policy.

All these developments make it all the more urgent and legitimate for the international community to continue to take this firm position and to demand the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention in order to adopt the measures necessary to ensure its implementation in Jerusalem and the occupied Palestinian territories, in accordance with common article 1 of the Geneva Conventions, on international humanitarian law. Tunisia reaffirms the importance of the implementation of the recommendation to hold that conference at the earliest possible time. Tunisia also supports fully the draft resolution before the resumed special session on this subject. My country, a sponsor of that draft resolution, believes that it is faithful to the recommendation adopted by the session and that it reflects the negative character of the developments regarding this question in view of the lack of response by the Government of Israel to the calls addressed to it.

The draft resolution also gives the international community the means to proceed further in dealing with this question by determining the next step, namely, the invitation to convene a conference of the High Contracting Parties to the Convention on a specified date. We call on the members of the General Assembly to support and vote for this draft resolution.

Tunisia, as it has done on many occasions in the past, reaffirms anew the need to resume the peace process in the Middle East on all tracks in order to establish just, lasting and comprehensive peace in the region which should enable the Palestinian people to realize all their national legitimate rights, foremost among which is their right to establish their independent State with Jerusalem as its capital. It should also end the Israeli occupation of the Syrian Golan and southern Lebanon and open the way for the peoples of the region to live together in security and cooperation.

None of this can be achieved as long as Israel continues to renege on its commitments, intensifying the settlement policy and turning its back on all agreements reached, the last of which was the Wye River Memorandum, whose implementation was recently suspended by Israel.

The responsibility of the United Nations to stand by the Palestinian people is an historical one that cannot be shirked until the ambitions of that struggling people are achieved. The adoption of the draft resolution before us

by this emergency special session is part and parcel of that responsibility.

Mr. Kamal (Pakistan): Let me begin by expressing the prayers of the Government and people of Pakistan for the quick recovery and good health of His Majesty King Hussein of Jordan.

The General Assembly is meeting today for the fifth time since 25 April 1997 exclusively to consider the issue of illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory. Israel has failed to comply with the demands made in the various Assembly resolutions, including the halting and reversal of all its illegal actions in the occupied territories.

As the occupying Power, Israel continues to commit grave breaches, as defined in article 147 of the Fourth Geneva Convention of 12 August 1949, including wilful killing, torture or inhumane treatment, unauthorized detention, extensive destruction, appropriation of property and unlawful deportation. Article 49 of the Convention clearly stipulates that the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. To our dismay, deportation of Palestinians and the establishment of new Jewish settlements in the occupied territories are widely practiced violations, which constitute a stumbling block in the way of achieving lasting peace and prosperity in the Middle East.

The Fourth Geneva Convention specifies a mechanism to deal with the grave breaches committed by a party to the Convention. Article 148 of the Convention emphasizes that no High Contracting Party shall be allowed to absolve itself or any other High Contracting Party of any liability incurred by itself or by any other High Contracting Party in respect of grave breaches. In article 1 of the Convention, the High Contracting Parties undertake to respect and to ensure respect for that Convention in all circumstances. It is therefore our collective responsibility to ensure compliance by Israel with the provisions of the Geneva Convention of 1949.

The General Assembly resolutions on this subject reiterate our collective commitment to the Convention. These resolutions, among other things, proposed the convening of a conference of the High Contracting Parties. Despite efforts by all concerned, the meeting of the High Contracting Parties could not be arranged because of the Israeli intransigence. It is therefore essential that the conference of the High Contracting Parties to the Geneva Convention is convened as soon as possible on measures to enforce the Convention in the occupied Palestinian territories, including Jerusalem, and to ensure its respect in accordance with common article 1 of all four Geneva Conventions. The Government of Pakistan, as a signatory to the Fourth Geneva Convention, supports the convening of this conference of the High Contracting Parties on 8 April 1999, as proposed in the draft resolution that is under consideration by the General Assembly today.

Pakistan has steadfastly supported the just struggle for the inalienable rights of the Palestinian people. We have consistently stated that Security Council resolutions 242 (1967), 338 (1973) and 425 (1978) continue to provide a viable and just framework for a comprehensive peace in the Middle East. The Government and the people of Pakistan believe that Al-Quds Al-Sharif, occupied by Israel since 1967, is the core issue of the Arab-Israeli conflict. It remains central to any comprehensive settlement. No lasting peace in the region will be possible without the return of Al-Quds Al-Sharif and all occupied territories to the Palestinian authorities.

Israel must fully abide by the provisions of the agreements it has concluded with the Palestinians, including the Wye River Memorandum, and it must amicably resolve all pending issues with the Palestinian National Authority.

The draft resolution before the General Assembly contains essential measures that must be implemented by the Israeli authorities in order to restore mutual trust and understanding between the two parties. Pakistan is a sponsor of the draft resolution and hopes that it will be adopted by consensus.

Mr. Vermeulen (South Africa): On behalf of the Non-Aligned Movement, my delegation expresses our deep anxiety over the critical state of health of King Hussein. Our thoughts are with his family and the people of Jordan in this difficult time.

We would further like to offer our condolences to the Government and the people of Colombia for the terrible loss of life and the devastation caused by the earthquake that has struck that country.

I should like to thank you, Mr. President, on behalf of the Movement of Non-Aligned Countries for convening this very important meeting. With a sense of urgency the Movement supported the request made by the Group of Arab States for the resumption of the tenth

emergency special session of the General Assembly to consider illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory.

It is regrettable that the Assembly has to meet once again in special session to examine this question. Despite repeated appeals by the Assembly, Israel continues to refuse to comply with the provisions of the resolutions of the tenth emergency special session, which recommended that the High Contracting Parties to the Fourth Geneva Convention convene a conference on measures to enforce and ensure respect for the Convention in the occupied Palestinian territories, including Jerusalem, in accordance with the provisions of the Convention. The overwhelming support of the Assembly for these resolutions demonstrates broad international insistence on the matter.

However, Israel has continued its illegal activities, especially with regard to settlement activity in the occupied territories, in blatant violation of the provisions of the Fourth Geneva Convention, particulary article 49, which clearly states that the occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies. This constitutes an illegal attempt to change the physical character, legal status and demographic composition of the occupied territories, in direct violation of the agreements reached between Israel and Palestine, and in direct violation of international law.

At the Twelfth Conference of Heads of State or Government, which took place in Durban from 2 to 3 September 1998, the Non-Aligned Movement reiterated its traditional long-standing solidarity with the Palestinian people and reaffirmed its position on occupied East Jerusalem, the illegal Israeli settlements and the applicability of the Fourth Geneva Convention to all the occupied Palestinian territory, including Jerusalem. The Movement further demanded that Israel, the occupying Power, implement relevant Security Council resolutions in this regard and abide by its legal obligations. Importantly, the Movement also reiterated its support for the recommendations contained in the resolutions adopted during the tenth emergency special session, namely, resolutions ES-10/2, ES-10/3, ES-10/4 and ES-10/5.

Against this background, the Non-Aligned Movement is deeply concerned over Israel's persistent violations of the existing agreements, including illegal settlement activities, repressive measures and economic suffocation of the Palestinian people. As recently as last week the Israeli Parliament adopted legislation that would make it more difficult to effect Israeli withdrawal from occupied Palestinian territory. We therefore reiterate our call for increasing efforts to ensure compliance by Israel with the existing agreements, including the Wye River Memorandum, and to ensure their timely implementation.

We recall how the negotiations at Wye River were full of promise. It was thus with dismay that we took note of the recent decision by the Government of Israel to suspend the implementation of the Wye River Memorandum and negotiations on a final settlement. All efforts must now be made to reinstate the peace process, which is the only means of ensuring lasting peace, security and stability in the region.

The international community cannot stand idly by while Israel refuses to implement relevant Security Council resolutions and abide by its legal obligations. It must be strongly demanded that Israel halt all settlement-related activity and other illegal activities in the occupied territories, and that it cease actions that exacerbate the suffering of the Palestinian people. It is incumbent on all members of the General Assembly to uphold the purposes and principles of the Charter of the United Nations, international humanitarian law and all other instruments of international law, as well as relevant General Assembly and Security Council resolutions. The tenth emergency special session has already recommended the reconvening of a conference of the High Contracting Parties of the Fourth Geneva Convention on measures to enforce the Convention in the occupied Palestinian territory, including Jerusalem, and to ensure its respect in fulfilment of their collective responsibility as stipulated in common article 1.

The High Contracting Parties should now act expeditiously to convene this conference on measures to enforce the Fourth Geneva Convention in the Palestinian territories, including Jerusalem. In this regard, we commend the ongoing efforts of the Government of Switzerland, as depositary of the Convention, and we call on the Swiss Government to undertake the necessary preparations for the conference. The realization of the legitimate aspirations of the Palestinian people is long overdue.

Mr. Dausá Céspedes (Cuba) (*interpretation from Spanish*): First of all, I would like to express the sympathy and solidarity of the Government and the people of Cuba with respect to the thousands of deaths and injuries that have been caused by the recent earthquakes in the sister Republic of Colombia. We also express our distress at the disturbing news we have

received regarding the health of King Hussein of Jordan. We hope that he will recover his health.

My delegation wishes to fully associate itself with the statement made the representative of South Africa on behalf of the Non-Aligned Movement.

Once again we meet in this Hall to debate an item that, in essence, has been under consideration by the General Assembly for decades: "Ilegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory".

The tenth emergency special session of the Assembly has already adopted four resolutions, and still the prospects for the occupied Palestinian territory remain bleak and disheartening.

Despite the international community's clear condemnation, the Israeli Government is still pursuing its settlement policy, a policy that includes the construction of a new settlement at Jebel Abu Ghneim. More dwellings have been built in existing settlements, together with bypass roads linking them. Settlers are placing mobile housing units on Palestinian land, and the Jerusalem Palestinians are being denied the right of residence.

Measures such as these, and any others intended to alter the legal status and the demographic composition of the occupied Palestinian territory, are inherently null and void; they are unlawful and in breach of the fundamental norms of international law and international humanitarian law.

Inspired by the hope that Wye River Memorandum marked a breakthrough in the stalled peace process, some felt optimism at its signing last 23 October. But such feelings are evaporating day by day.

The Government of Israel has decided, unilaterally and unjustifiably, to suspend implementation of the agreement and is seeking to impose unacceptable conditions concerning any future withdrawal of Israeli troops. If this course is followed, the Middle East peace process is doomed to failure.

The United Nations, in concert with its Member States, must step up its efforts to break the present deadlock in the process and continue working tirelessly towards the objective of lasting peace in the region on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978).

The Security Council has affirmed, in 24 resolutions, the applicability of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to all the territories occupied by Israel in 1967, including Jerusalem. Nonetheless, Israel persists in not acknowledging these facts.

In the resolutions adopted at the tenth emergency special session, the General Assembly has explicitly called for the convening of a conference of the High Contracting Parties to the Fourth Geneva Convention in order to consider measures to strengthen the application of the Convention in the occupied territories of Palestine and to ensure respect for that legal instrument pursuant to common article 1.

Cuba responded positively to the initiative taken by the Swiss authorities, in its capacity as the depositary of the Convention, to convene the meeting of experts held in October last. While we recognize the usefulness of that meeting, we would once again reaffirm our firm support for the Assembly's recommendation that a conference of the High Contracting Parties to the Fourth Geneva Convention be convened.

The gravity of the situation is such that there can be no delay, and we have full confidence in the known capacity of the Government of Switzerland to ensure the prompt convening of the conference.

Cuba believes that there is an incontestable need to secure the participation of Palestine, as a party directly involved, in that conference.

In conclusion, I wish to reiterate once again the steadfast commitment of the Government and people of Cuba to the cause of the Palestinian people, as reflected in our full support for the defence of its legitimate and inalienable rights. We have like feelings and the same moral obligation towards other Arab peoples which are experiencing the bitterness and difficulty of seeing their territories under occupation.

The Acting President: We have heard the last speaker in the debate on this item for this meeting.

I shall now call on those representatives who wish to speak in exercise of the right of reply.

May I remind members that statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second

intervention and should be made by delegations from their seats.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): I do not wish to describe the Israeli statement we heard today. I should like only to make the following comments.

First, the basic problem has always been the Israeli occupation and the attempts by Israel to deny that occupation, as we have heard today. The Israeli representative used terms such as "areas under Israeli administration". This reflects an ideological perspective that aims first and foremost at occupying the land and preventing the Palestinian people from realizing their national rights on their own soil.

Secondly, the Israeli representative said that about 97 per cent of the Palestinians live under Palestinian authority and therefore cannot be considered as being under Israeli occupation. This reflects yet another ideological perspective, the core of which is expansion and occupation of land. But what he said is wrong. Every Palestinian on Palestinian soil is still subject to Israeli occupation, regardless of whether Israeli tanks are inside the city of Ramallah or around it. The fact remains that it is impossible to bring even a can of children's milk in or out without authorization by the occupying forces.

Furthermore, the Israelis' claim demonstrates a desire to create an apartheid system — a Bantustan — for the Palestinians, or even to put them in camps, so that the Israeli occupiers can enjoy the life of respectable colonialists in the Palestinian territories.

Thirdly, as long as the Israeli representative is concerned with figures, I should like to remind him of a few facts. The partition resolution gave the Jewish State 54 per cent of Mandatory Palestine's 27,000 square kilometres. In 1948 Israel illegally occupied additional areas, extending Israeli jurisdiction over them and bringing the total area to 78 per cent of mandatory Palestine. This means that the West Bank and the Gaza Strip represent only 22 per cent of mandatory Palestine. Recently Israel withdrew from less than 10 per cent of the area — less than 2 per cent of the total area of mandatory Palestine — and this is the area that the Israeli representative wants us to be so happy about living in.

Fourthly, the Israeli representative must understand that the Palestinian territories occupied since 1967 are all occupied territories, and that if there had been disputed territories these objectively and for clear legal purposes are the lands between the borders delineated by the partition resolution and the armistice lines of 1948 — that is, East Jerusalem, the West Bank and the Gaza Strip.

Fifthly, we are not going to enter into a discussion about the principle of convening a conference of the High Contracting Parties to the Fourth Geneva Convention. This has already been accepted by the majority of Member States. Neither will we begin a discussion on the violations of the Memorandum of Understanding signed at Wye River, because the position of all Member States is clear in this respect.

Sixthly and finally, the representative of Israel said that a conference of the parties to the Fourth Geneva Convention has never been convened; that is true. However, it is a very unfortunate truth and definitely does not mean that such a meeting should not take place in the future.

Furthermore, what the Israeli representative said abut the Palestinian situation is incorrect as if the Israeli violations of the agreement were insubstantial and unimportant.

These violations have continued throughout the more than 30 years of occupation. They have destroyed the economic and social fabric of the Palestinian people under occupation. They now embody the ongoing settler colonialist occupation of our Palestinian lands. As we come to the end of the twentieth century, the sole remaining colonial phenomenon is the Israeli occupation, which is aimed at obliterating the presence of the Palestinian people as a people, like other peoples, with inalienable rights. We truly want peace: an equitable peace; a peace on the basis of international legitimacy; a peace built on coexistence and respect for the rights of the peoples of neighbouring States. We respect the presence of two States in the region.

Mr. Gold (Israel): I have two comments to make. We seem to hear very different versions of exactly what land is occupied, and what land is under dispute. Sometimes the terms of reference are to Security Council resolutions 242 (1967) and 338 (1973). Sometimes the terms of reference are to General Assembly resolution 181 (III), known as the partition plan. But there is also a cause for alarm, which I want all Member States to be aware of; it is contained, as I have said before, in the cover page of the Permanent Mission of the PLO, giving the address of its Observer. If members look at the

symbol on the right-hand side of that cover page, a copy of which I am holding, they will see that the map of what is designated as Palestine is not a map of the 1947 borders; it is not a map of the 1967 borders. It is a map of all of Palestine in which Israel does not exist. So it becomes somewhat ludicrous to have a discussion about what borders are being referred to and about Israel's ambitions, when Israel, on the official stationery of the PLO, basically has been eliminated.

I would also like to make a point I have made at earlier meetings of the emergency special session, in reference to the whole question of settlement activity. Israel's policies in preserving and safeguarding its Jewish communities in the West Bank and Gaza are completely consistent with the Oslo Agreements. Neither the Declaration of Principles signed on 13 September 1993 nor the Interim Agreement of 25 September 1995 contains any provisions prohibiting or restricting Jewish communities in the West Bank and Gaza. They prevent neither the natural growth of Palestinian towns and villages nor that of Jewish communities in the same area. This point was not just made up for this session; this point, in fact, was presented by our late Prime Minister, Yitzhak Rabin, on 5 October 1995, when he presented the Oslo II Interim Agreement for ratification by Israel's Knesset. He said,

> "I wish to remind you: we made a commitment, meaning we reached an agreement. We made a commitment to the Knesset not to uproot any settlement in the framework of the Interim Agreement or to freeze construction and natural growth".

When that natural growth occurred in 1995 and 1996, nothing was said. Let me, however, note one point. There is a clause in the Oslo Agreements that prohibits changing the status of the territories. It was intended to ensure only that neither side would take unilateral measures to alter the legal status of these areas. A change of legal status is effected by such acts as annexation or the unilateral declaration of a Palestinian State. Those change the status of the West Bank, and not construction in current Israeli communities. Settlement growth hardly alters the situation on the ground in the West Bank and Gaza. If all the Palestinian cities together take up a few per cent of West Bank territory, the addition of one house in an Israeli town or village takes up even less land.

That, therefore, brings us to the fundamental question of the holding of an emergency special session. The emergency special session was originally conceived for an international emergency: an international emergency like that of 1950, when North Korea invaded South Korea and the "Uniting for Peace" resolution was first conceived. Again this emergency special session of the General Assembly has been called to relate to Israeli condominium construction. Considering the problems in the world — of famine, of war, of genocide — to have the emergency special session of the General Assembly meet again on Israeli condominium construction is a complete abuse of the United Nations and of the United Nations system.

Mr. Elaraby (Egypt) (*interpretation from Arabic*): I had expected that as we made our statements today we would all manifest a keen interest in moving forward, and that we would all seek to contribute to the achievement of peace, avoiding falsifications and unnecessary confrontation. This morning, regarding the events of 1967, we heard a number of falsifications that ran counter to the established historical facts. I feel obliged to correct some of these falsehoods.

The representative of Israel once again repeated to the General Assembly that in 1967 Israel engaged in a defensive war, not an offensive war. He knows the historical facts perfectly well, just as he knows that all Israeli officials have stated that Israel planned for that war and that Israel was the party that initiated the aggression in June 1967. That was the very day — 5 June 1967 — on which the Vice-President of Egypt was to have travelled to Washington to meet with President Lyndon Johnson, at President Johnson's invitation, to hold talks on the situation in the region. As the historical record proves, Israel committed its act of aggression with the aim of blocking any prospect of a peaceful resolution of the situation, which had already escalated owing to statements by Israeli officials. Hence, the Israeli aggression cannot be described as having been undertaken in self-defence; this was an offensive war in the full meaning of the term.

It is also regrettable that the falsehoods have proliferated to such an extent that the Israeli Ambassador should now claim that among the causes of the war of 1967 was the request in May of that year that the United Nations Emergency Force be withdrawn. The Israeli Ambassador allowed himself to repeat this falsehood, despite the fact that the documents of the United Nations, including the resolutions of this Assembly — which in 1956 met for the first time in an emergency special session under the "United for Peace" resolution at the request of the Egyptian Government — in establishing the international forces authorized them to patrol the borders.

Egypt accepted this authorization for 10 years, although Israel rejected it.

In May 1967, Secretary-General U Thant worked tirelessly to convince Israel to accept the transit of forces within its territory, as it had done for the previous 10 years. However, Israel, operating in bad faith and with ill intentions at that time, refused the request so that there would be no international witnesses to its act of aggression.

I apologize for discussing this subject; as I said at the outset, we should all be looking to the future. However, I have found myself truly compelled to make this reply. I hope that we will all seek to move forward and that we shall all try to achieve peace and to avoid any confrontation and falsification.

Mr. Al-Kidwa (Palestine) (*interpretation from Arabic*): I should like first to draw the attention of the representative of Israel to the fact that my delegation is called the Permanent Observer Mission of Palestine. I would hope that he would refer to us appropriately, though it is quite clear that he is not even able to do that. Merely speaking the name of Palestine is a problem for him, and we truly regret that. The terms of reference are clearly spelled out in the resolutions of the United Nations and of international legitimacy.

Secondly, the attempts to reopen old debates by raising the issue of the insignia on the Mission's letterhead are truly regrettable and shameful. The insignia represents the historical map of Palestine. On the other hand, Israel, a United Nations Member State, has never defined its borders for the United Nations; on the contrary, it has given assurances that it would respect resolution 181 (II) as a condition of its membership. If the Permanent Representative of Israel would be kind enough to define for us the borders of his country, we would be extremely pleased and ready to draw the map of Palestine.

Thirdly, his statement on the settlements goes to the heart of the problem and of the political scandal. Settlements are illegal under international law and under the resolutions of the Security Council and the General Assembly. They will remain so forever. Suffice it here to say that the Palestinian people was uprooted from its lands in 1947 and 1948; suffice it to say that we can accept a compromise; suffice it to say that we are ready to conclude peace on the basis of a minimally acceptable level of justice. If we are asked, however, to accept further annexations of Palestinian territories and a broader occupation of the Palestinian people, we will refuse now and in the future.

Mr. Gold (Israel): I want to try to spare the members of the General Assembly both a lesson in history and a debate on history, but I would appreciate it if the Permanent Representative of Egypt would clarify three essential points.

First, does he deny that, in 1967, in the last three weeks of May, 100,000 Egyptian troops were placed on Israel's borders? Does he deny that the Strait of Tiran was in fact closed to Israeli shipping, thereby blocking Israeli access to the Red Sea and to the Indian Ocean? Does he deny that Egyptian leaders, including President Nasser himself, at the time that those first two conditions occurred, called for the destruction of Israel? These were the conditions of 1967. Hopefully, they are behind us; in fact, I am sure they are behind us and we have to look for ways of moving forward.

A question was also asked in reference to Israel's borders. The 1967 war, which was imposed upon Israel, created a new situation which was recognized by the United Nations Security Council when its resolutions 242 (1967) and, subsequently, 338 (1973) were adopted. Resolution 242 (1967) calls on the parties to negotiate with each other secure and recognized borders. That has been the basis of the peace process. Israel is prepared, as it has been prepared in the past, to negotiate secure and recognized borders with its neighbours. That has been the basis of the Israeli position in the past; that is the basis of the Israeli position in the present; and that is the basis of the Israeli position in the future. But to suggest that Israel is not ready to negotiate these borders and that the outcome of this negotiation should be predetermined by the General Assembly is to place the United Nations in the rather awkward position whereby the substance of General Assembly resolutions contradicts the terms of reference for the Arab-Israeli peace process that exist in the Security Council.

Mr. Elaraby (Egypt): I do not wish to take any of the Assembly's time. I do not wish to give a lesson in history, but three specific questions were addressed to me and I think I owe it to my delegation and to the General Assembly to answer them.

With respect to 1967, Egypt is a sovereign country. Egypt puts its forces anywhere on its territory and is entitled to do so. We do not say that Israel has forces in this part of its country or that part of its country. We are

entitled to have our forces anywhere we want. That is with respect to the first question.

With respect to the second question about Tiran, again we made our situation and our position on all the circumstances concerning Tiran very clear in the Security Council on 29 May 1967. I should like to suggest that the Israeli representative have a look at the Security Council records of 29 May 1967.

With respect to the destruction of Israel, I think the British BBC did search, following 1967, for a single statement calling for the destruction of Israel and did not find one.

My last point is on Security Council resolution 242 (1967). I will make only two brief points about that. First, the Security Council has made it very clear that force cannot be used to acquire territory and that it is inadmissible to acquire territory by the use of force. The Security Council is not in the realistic business of dispensing force. The second point is that the Council called for the withdrawal of Israel. The Council called for negotiations in resolution 338 (1973), but that was for the withdrawal of Israel, not for it to remain and acquire territory, because that is illegal.

The meeting rose at 1.20 p.m.